

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

RECEIVED

ROMIE HARRIS, JR., AMY HARRIS,
RUBY FRANCIS FOWLER, MARY
LOIS GREEN, JAMES THOMAS,
LULA THOMAS and JANIE
BUFORD,
Plaintiffs

v.

PACIFICARE LIFE AND HEALTH
INSURANCE COMPANY, ROBERT
D. BELL, ELIZABETH R. CLARK,
WILLIE C. TILLIS, and Fictitious
Defendants A through Z, those
corporations, partnerships, LLC's,
individuals or other entities who
conduct contributed to the damages
claimed herein whose names are not
yet known to Plaintiffs but will be
substituted by amendment when
ascertained.
Defendants

2006 OCT 20 P 3:04

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

CIVIL ACTION NO. 2:06cv956-10

**NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW PacifiCare Life and Health Insurance Company (hereinafter
"PacifiCare" or "Movant"), and files this Notice of Removal and would respectfully show
the Court as follows:

I.

PROCEDURAL BACKGROUND

1. Movant is a Defendant in the above-entitled action, until now pending in
the Circuit Court of Bullock County, Alabama, Case No. CV-06-91, styled "*Romie*

Harris, Jr., Amy Harris, Ruby Francis Fowler, Mary Lois Green, James Thomas, Lula Thomas, and Janie Buford v. PacifiCare Life and Health Insurance Company, Robert D. Bell, Elizabeth R. Clark, Willie C. Tillis and Fictitious Defendants A through Z." Defendant PacifiCare was served with Plaintiffs' Complaint on the 22nd day of September, 2006. This Notice of Removal is filed within thirty (30) days of receipt of Plaintiffs' Complaint by PacifiCare, and within thirty (30) days of service of the Complaint on any Defendant.

II.

FACTUAL BACKGROUND AND BASIS FOR REMOVAL

2. In their Complaint, Plaintiffs seek to recover compensatory and punitive damages against PacifiCare and the insurance broker co-defendants for their alleged actions to contact Plaintiffs, misrepresent PacifiCare's Secure Horizons Direct "Private Fee For Service" ("PFFS") Medicare product, dis-enroll Plaintiffs from their existing Medicare coverage, redirect Medicare premiums to PacifiCare, and restrict Plaintiffs' Medicare coverage and benefits. Plaintiffs' Complaint alleges the following causes of action against PacifiCare: (1) fraud (Count I), (2) unjust enrichment (Count II), (3) negligent infliction of emotional distress (Count III), (4) wantonness (Count IV), and (5) outrage (Count V). See Plaintiffs' Complaint, pp. 3-5 (Exh. B hereto). In addition to damages, Plaintiffs seek disgorgement of premiums from PacifiCare and entry of a permanent injunction to enjoin Defendants from contacting other persons in Bullock County, Alabama. (*Id.* at ¶ 29).

3. To the extent that Plaintiffs seek to recover damages from PacifiCare, Plaintiffs necessarily seek such damages as alleged enrollees in a Medicare Part C Medicare Advantage ("MA") plan offered by PacifiCare in the form of its Secure

Horizons Direct PFFS Plan (the "PFFS Plan"). Accordingly, this action may be removed to this Court by Defendant PacifiCare pursuant to 28 U.S.C. § 1441(b), because Plaintiffs' claims for relief arise under the laws of the United States, specifically the Medicare Act, 42 U.S.C. §1395w-21-w28, as amended by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 ("MMA"). Plaintiffs' state law claims all relate to standards established under the Medicare Act/MMA, and are thus superceded and preempted by the Medicare Act/MMA pursuant to 42 U.S.C. § 1395w-26(b)(3) (2006). This is true for the following separate and independent reasons.

4. First, Plaintiffs' primary allegation is one of fraud through misrepresentation of the benefits, requirements, terms, and conditions of enrollment in PacifiCare's PFFS Plan. (Plaintiffs' Complaint at ¶¶ 15, 17, 19, 22-26, 35) (Exh. B hereto). This allegation directly implicates standards set forth under the Medicare Act/MMA for enrollment, including Pacificare's marketing efforts and materials. 42 U.S.C. § 1395w-101(b)(1)(A), (B)(vi) (2006); 42 C.F.R. § 423.50 (2005). Second, Plaintiffs complain that their benefits and coverage were reduced, medical care was denied to them under the PacifiCare PFFS plan, and that large medical bills which have not been paid by PacifiCare have resulted. (Plaintiffs' Complaint at ¶¶ 14-19) (Exh. B hereto). These allegations all relate to the extent or quality of benefits promised or received and claims paid or denied, and, therefore, Plaintiffs in effect complain of benefit or coverage determinations governed by the Medicare Act/MMA. Third, Plaintiffs' allegation of reduced benefits and denial of medical care implicates the grievance and appeals process established under the Medicare Act/MMA. 42 C.F.R. §§ 423.560, 423.566, 423.568, 423.570, 423.580-90, 423.600-04, 423.610, 423.630 (2005). Accordingly, Plaintiffs' state law claims, which all relate to PacifiCare's

marketing efforts and/or materials, the extent or quality of benefits or coverage promised or provided to Plaintiffs, and Medicare-related grievance and appeal procedures, are preempted under the Medicare Act/MMA. Accordingly, this Court has original jurisdiction pursuant to 28 U.S.C. §1331. Furthermore, this Court has supplemental or pendant jurisdiction over Plaintiffs' state law claims, if any.

III.

FEDERAL QUESTION JURISDICTION

5. The Court has jurisdiction to hear this matter pursuant to 28 U.S.C. § 1331, because this case involves a federal question. Specifically, Plaintiffs' claims arise under and are completely preempted by federal law, specifically the Medicare Act/MMA. Pursuant to 28 U.S.C. § 1367(a), the Court has supplemental jurisdiction over Plaintiffs' state law claims, if any.

IV.

COMPLIANCE WITH PROCEDURAL REQUIREMENTS

6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty (30) days after receipt by PacifiCare of a copy of the first pleading, motion, order, or other paper from which it could be ascertained that the case is one which is removable.

7. Pursuant to 28 U.S.C. § 1446(c), PacifiCare has given written notice of filing of this Notice of Removal to Plaintiffs and has filed a copy of this Notice of Removal with the clerk of the Circuit Court of Bullock County, Alabama, as shown in the attached Exhibit "A."

8. Pursuant to 28 U.S.C. § 1446(a), copies of all processes, pleadings, and orders filed with the state court, together with an index of such documents, are attached hereto as Exhibit "B."

9. Defendant Willie C. Tillis consents to this removal, as shown in the Consent to Removal attached as Exhibit "C." Defendant Robert D. Bell ("Bell") has not been served. Plaintiffs' service on Defendant Elizabeth Clark ("Clark") was returned "unclaimed" and, accordingly, she has not been served. Accordingly, consent from Bell and Clark is not required for this removal.

10. Pursuant to 28 U.S.C. § 1446(a), also attached hereto as part of Exhibit "B" is a copy of the docket sheet in the state court action.

11. Pursuant to Order of the U.S. District Court, Middle District of Alabama, Civil Misc. No. 3047, attached hereto as Exhibit "D" is a Corporate Disclosure Statement.

12. Trial has not commenced in the Circuit Court of Bullock County, Alabama.

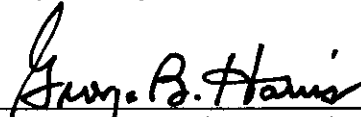
V.

CONCLUSION

13. Because Plaintiffs' claims, as set out in their Complaint, state a federal question, Movant desires and is entitled to remove said cause from the Circuit Court of Bullock County, Alabama to the United States District Court for the Middle District of Alabama. Movant also requests any other relief to which it is entitled.

DATED: October 20, 2006.

Respectfully submitted,



Philip H. Butler (BUT007)
George B. Harris (HAR138)
William C. McGowin (MCG040)

OF COUNSEL

Bradley Arant Rose & White LLP
The Alabama Center for Commerce
401 Adams Avenue, Suite 780
Montgomery, AL 36104
Telephone: (334) 956-7700
Facsimile: (334) 956-7701

Paula Denney
Texas State Bar No. 05746950
John K. Edwards
Texas State Bar No. 24002040
Cedric D. Scott
Texas State Bar No. 24013474
JACKSON WALKER L.L.P.
1401 McKinney, Suite 1900
Houston, Texas 77010
Phone: 713-752-4200
Fax: 713-752-4221

ATTORNEYS FOR DEFENDANT
PACIFICARE LIFE AND HEALTH
INSURANCE COMPANY

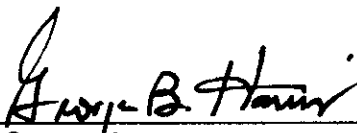
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Notice of Removal has been furnished to all parties and counsel of record as listed below, by certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure this 20th day of October, 2006.

L. Cooper Rutland, Jr.
Rutland & Braswell, L.L.C.
208 N. Prairie Street
P.O. Box 551
Union Springs, Alabama 36089

Attorney for Plaintiffs

Willie C. Tillis
306 Mullins Street
Opp, Alabama 36467



Of Counsel

EXHIBIT “A”

IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA

ROMIE HARRIS, JR., AMY HARRIS,
RUBY FRANCIS FOWLER, MARY
LOIS GREEN, JAMES THOMAS,
LULA THOMAS and JANIE
BUFORD,
Plaintiffs

V.

Case No. CV-06-91

PACIFICARE LIFE AND HEALTH INSURANCE COMPANY, ROBERT D. BELL, ELIZABETH R. CLARK, WILLIE C. TILLIS, and Fictitious Defendants A through Z, those corporations, partnerships, LLC's, individuals or other entities who conduct contributed to the damages claimed herein whose names are not yet known to Plaintiffs but will be substituted by amendment when ascertained.

Defendants

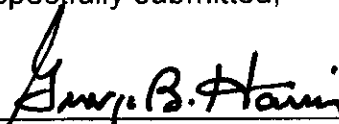
NOTICE OF FILING NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THIS COURT:

Please take notice that Defendant PacifiCare Life and Health Insurance Company has on this date filed a Notice of Removal of this civil action to the United States District Court for the Middle District of Alabama in the above-styled and numbered cause which was until now pending in the Circuit Court of Bullock County, Alabama, thereby removing this case to the United States District Court for the Middle District of Alabama. A true and correct copy of said Notice of Removal is attached hereto as Exhibit "A."

DATED: October 20, 2006.

Respectfully submitted,



Philip H. Butler (BUT007)
George B. Harris (HAR138)
William C. McGowin (MCG040)

OF COUNSEL

Bradley Arant Rose & White LLP
The Alabama Center for Commerce
401 Adams Avenue, Suite 780
Montgomery, AL 36104
Telephone: (334) 956-7700
Facsimile: (334) 956-7701

Paula Denney
Texas State Bar No. 05746950
John K. Edwards
Texas State Bar No. 24002040
Cedric D. Scott
Texas State Bar No. 24013474
JACKSON WALKER L.L.P.
1401 McKinney, Suite 1900
Houston, Texas 77010
Phone: 713-752-4200
Fax: 713-752-4221

ATTORNEYS FOR DEFENDANT
PACIFICARE LIFE AND HEALTH
INSURANCE COMPANY

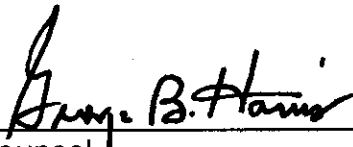
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Notice of Filing of Notice of Removal has been furnished to all parties and counsel of record as listed below, by certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure this 20th day of October, 2006.

L. Cooper Rutland, Jr.
Rutland & Braswell, L.L.C.
208 N. Prairie Street
P.O. Box 551
Union Springs, Alabama 36089

Attorney for Plaintiffs

Willie C. Tillis
306 Mullins Street
Opp, Alabama 36467



Of Counsel

EXHIBIT “B”

AVSO351

CV 2006 000091.00

JUDGE: HON. BURT SMITHART

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF BULLOCK COUNTY

ROMIE HARRIS ET AL. VS PACIFICARE LIFE AND HEALTHCARE INS. CO ET AL.
FILED: 09/21/2006 TYPE: NEGLIGENCE-GENERAL TYPE TRIAL: JURY TRACK:

DATE1: CA: CA DATE:
DATE2: AMT: \$.00 PAYMENT:
DATE3: *****

PLAINTIFF 001: ROMIE HARRIS JR.
323 S. PRAIRIE STREET ATTORNEY: RUTLAND L COOPER JR
RUT010 P. O. BOX 551
UNION SPRINGS, AL 36089-0000
PHONE: (334) 000-0000 UNION SPRINGS, AL 360
ENTERED: 09/21/2006 ISSUED: TYPE: (334) 738-4770
SERVED: ANSWERED: JUDGEMENT:

PLAINTIFF 002: AMY HARRIS
323 S. PRAIRIE STREET ATTORNEY: RUTLAND L COOPER JR
RUT010 P. O. BOX 551
UNION SPRINGS, AL 36089-0000
PHONE: (334) 000-0000 UNION SPRINGS, AL 360
ENTERED: 09/21/2006 ISSUED: TYPE: (334) 738-4770
SERVED: ANSWERED: JUDGEMENT:

PLAINTIFF 003: RUBY FRANCIS FOWLER
1731 PEACHBURG RD ATTORNEY: RUTLAND L COOPER JR
RUT010 P. O. BOX 551
UNION SPRINGS, AL 36089-0000
PHONE: (334) 000-0000 UNION SPRINGS, AL 360
ENTERED: 09/21/2006 ISSUED: TYPE: (334) 738-4770
SERVED: ANSWERED: JUDGEMENT:

PLAINTIFF 004: MARY LOIS GREEN
1731 PEACHBURG RD. ATTORNEY: RUTLAND L COOPER JR
RUT010 P. O. BOX 551
UNION SPRINGS, AL 36089-0000
PHONE: (334) 000-0000 UNION SPRINGS, AL 360
ENTERED: 09/21/2006 ISSUED: TYPE: (334) 738-4770
SERVED: ANSWERED: JUDGEMENT:

PLAINTIFF 005: JAMES THOMAS
611 4TH STREET ATTORNEY: RUTLAND L COOPER JR
RUT010 P. O. BOX 551
UNION SPRINGS, AL 36089-0000
PHONE: (334) 000-0000 UNION SPRINGS, AL 360
ENTERED: 09/21/2006 ISSUED: TYPE: (334) 738-4770
SERVED: ANSWERED: JUDGEMENT:

PLAINTIFF 006: LULA THOMAS
611 4TH STREET ATTORNEY: RUTLAND L COOPER JR
RUT010 P. O. BOX 551
UNION SPRINGS, AL 36089-0000
PHONE: (334) 000-0000 UNION SPRINGS, AL 360
ENTERED: 09/21/2006 ISSUED: TYPE: (334) 738-4770
SERVED: ANSWERED: JUDGEMENT:

PLAINTIFF 007: JANIE BUFORD
112 P AVENUE ATTORNEY: RUTLAND L COOPER JR
RUT010 P. O. BOX 551
UNION SPRINGS, AL 36089-0000
PHONE: (334) 000-0000 UNION SPRINGS, AL 360
ENTERED: 09/21/2006 ISSUED: TYPE: (334) 738-4770
SERVED: ANSWERED: JUDGEMENT:

RAF 09/21/2006

CV 2006 000091.00

AVSO351

CV 2006 000091.00

JUDGE: HON. BURT SMITHART

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF BULLOCK COUNTY

ROMIE HARRIS ET AL. VS PACIFICARE LIFE AND HEALTHCARE INS. CO ET AL.
FILED: 09/21/2006 TYPE: NEGLIGENCE-GENERAL TYPE TRIAL: JURY TRACK:

DATE1: CA: CA DATE:
DATE2: AMT: \$.00 PAYMENT:
DATE3:

DEFENDANT 001: PACIFICARE LIFE AND HEALTH INS. CO.
C/O THE CORPORATION CO. ATTORNEY:
2000 INTERSTATE PK. DR.
MONTGOMERY, AL 36109-0000
PHONE: (334) 000-0000

ENTERED: 09/21/2006 ISSUED: 09/21/2006 TYPE: CERTIFIED
SERVED: 9/22/06 ANSWERED: JUDGEMENT:

DEFENDANT 002: BELL ROBERT D.
208 NORTH CLEVELAND ST ATTORNEY:

ALBANY, GA 31701-0000
PHONE: (334) 000-0000
ENTERED: 09/21/2006 ISSUED: 09/21/2006 TYPE: CERTIFIED
SERVED: 9/25/06 ANSWERED: JUDGEMENT:

DEFENDANT 003: CLARK ELIZABETH R.
505 WISTERIA PLACE ATTORNEY:

BIRMINGHAM, AL 35216-0000
PHONE: (334) 000-0000
ENTERED: 09/21/2006 ISSUED: 09/21/2006 TYPE: CERTIFIED
SERVED: ANSWERED: JUDGEMENT:

DEFENDANT 004: TILLIS WILLIE CLYDE
306 MULLINS STREET ATTORNEY:

OPP, AL 36467-0000
PHONE: (334) 000-0000
ENTERED: 09/21/2006 ISSUED: 09/21/2006 TYPE: CERTIFIED
SERVED: 9/25/06 ANSWERED: JUDGEMENT:

9/21/06 Summons & Complaint filed; forwarded to parties by CM.
9/25/06 Def #1 served 9-22-06
9/27/06 Def #2+4 served 9-25-06 by C.M.
10/2/06 Def #3 returned. Unclaimed.

RAF 09/21/2006

CV 2006 000091.00

ALABAMA JUDICIAL DATA CENTER
COURT PAYMENT SYSTEM

BULLOCK COUNTY RECEIPT NUMBER: 017825
DATE OF RECEIPT: 09/21/2006 TIME: 11:27:52
RECEIPT FOR CASE: CV 2006 000081 00 BATCH: 2006080
RECEIVED FROM: RUTLAND L COOPER JR

ROMIE HARRIS ET AL. VS PACIFICARE LIFE AND HEALTHCARE INC. CO ET AL.

ACCOUNTS RECEIVED:

EVAF	\$200.00
CV05	\$382.00
JDMO	\$100.00

RECEIVED BY: RAF CHECK AMOUNT \$1,082.00

AVSO352

CASE: CV 2006 000091.00
JUDGE: HON. BURT SMITHART

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY CONTINUATION
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF BULLOCK COUNTY

ROMIE HARRIS ET AL. VS PACIFICARE LIFE AND HEALTHCARE INS. CO ET AL.
FILED: 09/21/2006 TYPE: NEGLIGENCE-GENERAL TYPE TRIAL: JURY TRACK:

DATE1: CA: CA DATE:
DATE2: AMT: \$.00 PAYMENT:

RAF 09/21/2006

State of Alabama Unified Judicial System Form ARCiv-93 Rev.5/99	COVER SHEET CIRCUIT COURT – CIVIL CASE (Not For Domestic Relations Cases)	Case Number <div style="border: 1px solid black; padding: 2px; display: inline-block;"> C V 2006 91 06 - </div> Date of Filing: <div style="display: inline-block; border: 1px solid black; padding: 2px;">09</div> <div style="display: inline-block; border: 1px solid black; padding: 2px;">21</div> <div style="display: inline-block; border: 1px solid black; padding: 2px;">2006</div> Month Day Year
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GENERAL INFORMATION

IN THE CIRCUIT COURT OF BULLOCK, ALABAMA

(Name of County)

Romie Harris, Jr., et al. v. Pacificare Life and Health Ins. Co., et al.

Plaintiff First Plaintiff <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other	Defendant First Defendant <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other
--	--

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) the best characterizes your action:

TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input checked="" type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input checked="" type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input checked="" type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input checked="" type="checkbox"/> TOXX - Other: <u>outrage</u>	OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case
---	--

ORIGIN (check one): F ☒ INITIAL FILING A ☐ APPEAL FROM O ☐ OTHER:

DISTRICT COURT

R ☐ REMANDED T ☐ TRANSFERRED FROM

OTHER CIRCUIT COURT

HAS JURY TRIAL BEEN DEMANDED? ☒ YES ☐ NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P. for procedure)

RELIEF REQUESTED: ☒ MONETARY AWARD REQUESTED ☐ NO MONETARY AWARD REQUESTED

ATTORNEY CODE:

R U T 0 1 0

 September 21, 2006

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: ☐ YES ☒ NO ☐ UNDECIDED

2506 261T 0000 0692 4002

Wilbert Jernigan
Clerk & Register
Bullock County
Post Office Box 230
Union Springs, Alabama 36085



★ 187 ★ ★
5062 # 04.880 SEP 21 06
5626 UNION SPRINGS, AL 36089



RETRUN RECEIPT REQUESTED

RECEIVED

Elizabeth R. Clark
505 Wisteria Place
Birmingham, Alabama 35216

4/14
1624
7/23
CR

1st 9/29/13



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Elizabeth R. Clark 505 Wisteria Place Birmingham, Alabama 35216</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>2N-06-91</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7004 2890 0000 1192 3057</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>PS Form 3811, February 2004</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

102595-02-M-1540

1 puc

2Y-06-68

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="text-align: center;">Claude Delbridge 500 Eastdale Rd #E9 Montgomery, AL 36117</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
2. Article Number (Transfer from service label)		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

102595-02-M-1540

Domestic Return Receipt

Circuit Court
P.O. Box 230
Union Springs, AL 36089

9020 92E9 E000 0T9D 9002



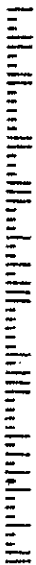
Handwritten signature



9020 92E9 E000 0T9D 9002

Claude Delbridge
500 Eastdale Rd #E9
Montgomery, AL 36117

36117+2020-53 C003



★ ★ ★
183
0440 # 08.340 SEP 06
7659
PB8599769
BIRMINGHAM, AL 35203



UNCLAIMED

Handwritten: 9/18
9/28
9/29/06

STATEMENT OF CLAIM

IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA

Plaintiff: State Farm Bank

Defendant:

Claude Delbridge

500 Eastdale Rd #E9

Montgomery, Alabama 36117

SS# xxx-xx-9318

CM08

ALIAS

PLAINTIFF'S ATTORNEY:

Halcomb & Wertheim, P.C.
 2101 6th Avenue North, Suite 1150
 P.O. Box 12005
 Birmingham, AL. 35202-2005

SEP 08 2006

CLERK-REGISTRATION

SUMMONS

TO ANY SHERIFF OR PERSON AUTHORIZED BY RULE 4.1(b)(1) OR (b)(2) OF THE ALABAMA RULES OF CIVIL PROCEDURE TO EFFECT SERVICE IN THE STATE OF ALABAMA:

You are hereby commanded to serve this summons and statement of claim upon the defendant(s) named in this action and to make proper return to this Court.

RETURN OF SERVICE: I received this summons and complaint on ___/___/___ and served Defendant _____ by delivering a copy of the summons and complaint to him/her. Comments/Notes: _____

Date Served: _____

Process Server: _____

NOTICE TO DEFENDANT

THIS COMPLAINT IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU MUST MAIL OR HAND-DELIVER A COPY OF A WRITTEN ANSWER EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT *TO THE PLAINTIFF'S ATTORNEY WHOSE ADDRESS IS LISTED ABOVE*. YOU MUST ANSWER THIS COMPLAINT WITHIN 30 DAYS AFTER YOU RECEIVE THESE PAPERS OR A JUDGMENT MAY BE ENTERED BY DEFAULT FOR THE AMOUNT SUED FOR. FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THE COURT.

COMPLAINT

Count 1

Plaintiff State Farm Bank claims defendant Claude Delbridge owes the Plaintiff the sum of \$20,056.49 due by Breach of Contract, or in the alternative, Open Account, plus interest calculated from December 21, 2005 at the contract rate of 8.740% through entry of judgment, plus a reasonable attorney's fee in the amount of \$.00 pursuant to the contract made the basis of this action, less remittitur of \$.00 for a total judgment of \$20,056.49 plus interest, less remittitur for any payments made after August 25, 2006.

Plaintiff also claims from each defendant court costs in the sum of \$233.92. NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The Clerk will inform you of any additional costs at the close of the case.

Clerk:

Address:

Wilbert M. Gernigan/RMS
 Circuit Court
 Post Office Box 230
 Union Springs, AL 36089
 334-738-2280

W. McCollum Halcomb (HAL030)
 Jeffrey H. Wertheim (WER007)
 India A. Ramey (SMI246)
 Plaintiff's Attorneys

Serve by Certified Mail pursuant to Rule 4.1(c) ARCP

205-251-0007

File No: 06-10136-0

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <u>Willie Tillis</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Willie Clyde Tillis 306 Mullins Street Opp, Alabama 36467		B. Received by (Printed Name) <u>9-25-06</u> C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		<u>CV-06-91</u>	
		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		<u>7004 2890 0000 1192 3064</u>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Wilbert Jernigan
Bullock County Circuit Clerk
Post Office Box 230
Union Springs, Alabama 36089

B002



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <u>Tommy Bell</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		B. Received by (Printed Name) <u>Tommy Bell</u>	C. Date of Delivery <u>9-25-06</u>
1. Article Addressed to: Robert D. Bell 208 North Cleveland Street Albany, Georgia 31701		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <u>CV-06-91</u>	
		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		<u>7004 2890 0000 1192 3040</u>	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

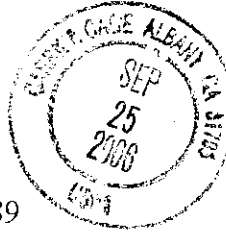
UNITED STATES POSTAL SERVICE



First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Wilbert Jernigan
Bullock County Circuit Clerk
Post Office Box 230
Union Springs, Alabama 36089



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <i>x K. Brown</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </p>	
<p>1. Article Addressed to:</p> <p>Pacificare Life and Health Insurance Co. c/o The Corporation Company 2000 Interstate Park Dr. Suite 204 Montgomery, Alabama 36109</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery <i>9/22/06</i> </p>
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center;"><i>CV-06-91</i></p>	
		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Transfer from service lab) <i>7004 2890 0000 1192 3033</i></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE
MONTGOMERY AL 361

22 SEP 2006 PM 3 L



• Sender: Please print your name, address, and ZIP+4 in this box •

Wilbert Jernigan
Bullock County Circuit Clerk
Post Office Box 230
Union Springs, Alabama 36089

B002



IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA

FILED IN OFFICE

SEP 21 2006

CLERK-REGISTER, BULLOCK CO., ALA.

ROMIE HARRIS, JR., AMY HARRIS,)
RUBY FRANCIS FOWLER, MARY)
LOIS GREEN, JAMES THOMAS,)
LULA THOMAS and JANIE BUFORD,)

Plaintiffs.)

vs.)

CASE NO. CV-06- 91

PACIFICARE LIFE AND HEALTH)
INSURANCE COMPANY, ROBERT D.)
BELL, ELIZABETH R. CLARK,)
WILLIE C. TILLIS and Fictitious)
Defendants A through Z, those corporations,)
partnerships, LLC's, individuals or other)
entities whose conduct contributed to the)
damages claimed herein whose names are)
not yet known to Plaintiffs but will be)
substituted by amendment when)
ascertained.)

Defendants.)

COMPLAINT

Parties

1. Plaintiff Romie and Amy Harris are adult resident citizens of Bullock County, Alabama whose address is 323 South Prairie Street, Union Springs, Alabama 36089.

2. Plaintiff Ruby Francis Fowler is an adult resident citizen of Bullock County, Alabama whose address is 1731 Peachburg Road, Union Springs, Alabama 36089.

3. Plaintiff Mary Lois Green is an adult resident citizen of Bullock County, Alabama whose address is 1731 Peachburg Road, Union Springs, Alabama 36089.

4. Plaintiffs James and Lula Thomas are adult resident citizens of Bullock County, Alabama whose address is 611 4th Street, Union Springs, Alabama 36089.

5. Plaintiff Janie Buford is an adult resident citizen of Bullock County, Alabama whose address is 112 P Avenue, Union Springs, Alabama 36089.

6. Defendant Pacificare Life and Health Insurance Company, hereinafter referred to as “PacifiCare”, is an Indiana corporation doing business by agent in Bullock County, Alabama whose principal address is 3100 Lake Center Drive, Santa Ana, California 92704 and whose agent for service of process is The Corporation Company 2000 Interstate Park Drive Suite 204, Montgomery, Alabama 36109.

7. Defendant Robert D. Bell is an adult resident citizen of the State of Georgia whose address is 508 North Cleveland Street, Albany Georgia 31701 who at all times relevant hereto was acting as an agent for Defendant, PacifiCare, within the line and scope of his employment.

8. Defendant Elizabeth R. Clark is an adult resident citizen of Birmingham, Alabama whose address is 505 Wisteria Place, Birmingham, Alabama 35216 who at all times relevant hereto was acting as an agent for Defendant, PacifiCare, within the line and scope of her employment.

9. Defendant Willie Clyde Tillis is an adult resident citizen of Opp, Alabama, whose address is 306 Mullins Street, Opp, Alabama 36467 who at all times relevant hereto was acting as an agent for Defendant, PacifiCare, within the line and scope of his employment.

10. Fictitious Defendants A through Z are those corporations, partnerships, LLC’s, individuals or other entities whose conduct contributed to the damages claimed herein whose names are not yet known to Plaintiff but will be substituted by amendment when ascertained.

11. Plaintiff brings these claims under applicable Alabama State law and makes no claims involving Federal jurisdiction or which might raise a Federal question.

12. Plaintiffs’ claims are made in the alternative as provided by *Alabama Rules of Civil Procedure*.

Facts

13. All Plaintiffs were at some point, in early 2006, enrolled in a program called Secure Horizons Direct which is described by Defendants as a “Private Fee for Service Health Plan”.

14. All Defendants acted in concert with one another in an effort to contact all Medicare recipients in Bullock County, Alabama including Plaintiffs.

15. Defendants misrepresented to Plaintiffs that they were required to enroll with Secure Horizons Direct under the federal government’s new prescription drug program.

16. Defendants and their agents, servants and employees lied to Plaintiffs and misrepresented the fact that what Defendants were actually doing was dis-enrolling Plaintiffs

from their Medicare coverage and enrolling them in Pacificare's Secure Horizons Direct Healthcare Program.

17. All Plaintiffs' benefits and healthcare coverage through Medicare was drastically restricted. In most cases medical care which Plaintiffs had been receiving for years was summarily denied by Pacificare.

18. Plaintiffs suffered physical and mental injury and distress when they could no longer receive vital healthcare from their longtime physicians and other healthcare specialists.

19. Plaintiffs went without necessary prescription drugs and home healthcare equipment that had previously been covered by Medicare.

20. Plaintiffs amassed large medical bills which they cannot afford to pay without their Medicare coverage which was redirected to Pacificare through Defendants' fraudulent conduct.

21. As a direct result of all Defendants' conduct Plaintiffs were injured and damages as aforesaid. Plaintiffs have suffered severe mental anguish and emotional distress and continue to suffer now and in the future. Their health has been compromised from a lack of care due to non-coverage by Defendants of claims that had heretofore been covered by Medicare.

COUNT I

Fraud

22. Plaintiffs reallege all paragraphs of the complaint as if fully set forth herein.

23. Defendants misrepresented themselves as signing up people for the government's new prescription drug program.

24. Defendants' misrepresentations were mistaken, negligent, wanton and /or intentional.

25. Defendants' misrepresentations were material and Plaintiffs relied on those misrepresentations in signing up for Defendants' prescription drug program.

26. As a proximate result Plaintiffs were damages as aforesaid.

WHEREFORE, Plaintiff demands judgment of all Defendants in such amounts of compensatory and punitive damages as a jury deems appropriate, plus costs.

COUNT II

Unjust Enrichment

27. Plaintiffs reallege all paragraphs of the complaint as if fully set forth herein.

28. By fraudulently diverting Plaintiffs Medicare premiums to Defendants's Secure Horizons Direct Healthcare Program Defendants were unjustly enriched.

29. Plaintiffs seek disgorgement of all premiums paid by Plaintiffs and a permanent injunction against Defendant barring them from contacting others in Bullock County, plus costs.

COUNT III
Negligent Infliction of Emotional Distress

30. Plaintiffs reallege all paragraphs of the complaint as if fully set forth herein.

31. Defendants owed a duty to Plaintiffs to avoid placing Plaintiffs in a position where their healthcare needs would be compromised.

32. Defendants failed to protect Plaintiffs' healthcare by fraudulently changing Plaintiffs coverage to an inferior more expensive plan known as Secure Horizons Direct.

33. As a proximate result Plaintiffs were damaged as aforesaid.

WHEREFORE, Plaintiffs demand judgment against all Defendants in such amounts of compensatory damages as a jury deems appropriate, plus costs.

COUNT IV
Wantonness

34. Plaintiffs reallege all paragraphs of the complaint as if fully set forth herein.

35. Defendants' conduct was a calculated pattern of lies and misrepresentations designed to exploit the old and infirm for profit.

36. Defendants' conduct represents a practice by all Defendants that was intentional, reckless, wanton and willful.

37. As a proximate result Plaintiffs were injured and damages as aforesaid.

WHEREFORE, Plaintiffs demand judgment against all Defendants in such amounts of compensatory and punitive damages as a jury deems appropriate, plus costs.

COUNT V
Outrage

38. Plaintiffs reallege all paragraphs of the complaint as if fully set forth herein.

39. Defendants fraudulent conduct perpetrated against the elderly, crippled, sick, invalid, infirm and most vulnerable members of our society is a new low for the insurance industry.

40. This conduct is so reprehensible as to shock the conscience of any reasonable citizen of the State of Alabama.

41. As a proximate result of Defendants' outrageous conduct Plaintiffs were damages as previously aforesaid.

WHEREFORE, Plaintiffs demand judgment of all Defendants in such amounts of compensatory and punitive damages as a jury deems reasonable, plus costs.



L. Cooper Rutland, Jr. (RUT010)
Attorney for Plaintiffs

OF COUNSEL:

RUTLAND & BRASWELL, L.L.C.

208 N. Prairie Street

Post Office Box 551

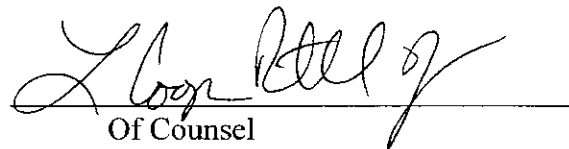
Union Springs, Alabama 36089

Telephone (334) 738-4770

Fax (334) 738-4774

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY STRUCK JURY ON ALL COUNTS OF THE COMPLAINT.



Of Counsel

IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA

FILED IN OFFICE

SEP 21 2006

CLERK-REGISTER, BULLOCK CO., ALA.

ROMIE HARRIS, JR., AMY HARRIS,)
RUBY FRANCIS FOWLER, MARY)
LOIS GREEN, JAMES THOMAS,)
LULA THOMAS and JANIE BUFORD,)

Plaintiffs.)

vs.)

CASE NO. CV-06 91

PACIFICARE LIFE AND HEALTH)
INSURANCE COMPANY, et al.,)

Defendants.)

CIVIL SUMMONS

NOTICE TO: PacifiCare Life and Health Insurance Company
c/o The Corporation Company
2000 Interstate Park Drive, Suite 204
Montgomery, Alabama 36109

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to the Plaintiff's Attorney:

L. Cooper Rutland, Jr.
Rutland & Braswell, L.L.C.
Post Office Box 551
Union Springs, Alabama 36089
334-738-4770

The Answer must be mailed or delivered within 30 days after this Summons and Complaint were delivered to you or a Judgment by Default may be entered against you for the money or other things demanded in this Complaint. You must also file the original of your Answer with the Clerk of this Court.

THE SERVICE BY CERTIFIED MAIL OF THIS SUMMONS IS INITIATED UPON THE WRITTEN REQUEST OF L. COOPER RUTLAND, JR. PURSUANT TO RULE 4.1(c) OF THE ALABAMA RULES OF CIVIL PROCEDURE.

9/21/06
Date

Wilbert M. Gernigan by RMF
Circuit Clerk

SERVICE BY CERTIFIED MAIL IS HEREBY REQUESTED

9-20-06
Date

L. Cooper Rutland, Jr.
L. Cooper Rutland, Jr.

CIVIL ACTION NO. CV 2001-_____

RETURN OF SERVICE:

CERTIFIED MAIL RETURN RECEIPT RECEIVED IN THIS OFFICE ON (DATE)_____.
(Return receipt hereto attached).

IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA

ROMIE HARRIS, JR., AMY HARRIS,)
RUBY FRANCIS FOWLER, MARY)
LOIS GREEN, JAMES THOMAS,)
LULA THOMAS and JANIE BUFORD,)

Plaintiffs.)

vs.)

PACIFICARE LIFE AND HEALTH)
INSURANCE COMPANY, et al.,)

Defendants.)

CASE NO. CV-06 91

FILED IN OFFICE

SEP 21 2006

CLERK OF BULLOCK CO., ALA.

CIVIL SUMMONS

NOTICE TO: Robert D. Bell
508 North Cleveland Street
Albany Georgia 31701

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to the Plaintiff's Attorney:

L. Cooper Rutland, Jr.
Rutland & Braswell, L.L.C.
Post Office Box 551
Union Springs, Alabama 36089
334-738-4770

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9-21-06
Date

Wilbert M. Gernigan by Rmf
Circuit Clerk

SERVICE BY CERTIFIED MAIL IS HEREBY REQUESTED.

9-20-06
Date

L. Cooper Rutland, Jr.
L. Cooper Rutland, Jr.

CIVIL ACTION NO. CV 2001-_____

RETURN OF SERVICE:

CERTIFIED MAIL RETURN RECEIPT RECEIVED IN THIS OFFICE ON (DATE)_____.
(Return receipt hereto attached).

IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA

FILED IN OFFICE

ROMIE HARRIS, JR., AMY HARRIS,)
RUBY FRANCIS FOWLER, MARY)
LOIS GREEN, JAMES THOMAS,)
LULA THOMAS and JANIE BUFORD,)

SEP 21 2006

CLERK-REGISTER, BULLOCK CO., ALA.

Plaintiffs.)

vs.)

CASE NO. CV-06 91

PACIFICARE LIFE AND HEALTH)
INSURANCE COMPANY, et al.,)

Defendants.)

CIVIL SUMMONS

NOTICE TO: Elizabeth R. Clark
505 Wisteria Place
Birmingham, Alabama 35216

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to the Plaintiff's Attorney:

L. Cooper Rutland, Jr.
Rutland & Braswell, L.L.C.
Post Office Box 551
Union Springs, Alabama 36089
334-738-4770

The Answer must be mailed or delivered within 30 days after this Summons and Complaint were delivered to you or a Judgment by Default may be entered against you for the money or other things demanded in this Complaint. You must also file the original of your Answer with the Clerk of this Court.

THE SERVICE BY CERTIFIED MAIL OF THIS SUMMONS IS INITIATED UPON THE WRITTEN REQUEST OF L. COOPER RUTLAND, JR. PURSUANT TO RULE 4.1(c) OF THE ALABAMA RULES OF CIVIL PROCEDURE.

9/21/06
Date

Wilbert M. Gernigan by RMF
Circuit Clerk

SERVICE BY CERTIFIED MAIL IS HEREBY REQUESTED.

9-20-06
Date

L. Cooper Rutland, Jr.
L. Cooper Rutland, Jr.

CIVIL ACTION NO. CV 2001-_____

RETURN OF SERVICE:

CERTIFIED MAIL RETURN RECEIPT RECEIVED IN THIS OFFICE ON (DATE)_____.
(Return receipt hereto attached).

IN THE CIRCUIT COURT OF BULLOCK COUNTY, ALABAMA

FILED IN OFFICE

ROMIE HARRIS, JR., AMY HARRIS,)
RUBY FRANCIS FOWLER, MARY)
LOIS GREEN, JAMES THOMAS,)
LULA THOMAS and JANIE BUFORD,)

SEP 21 2006

CLERK-REGISTER, BULLOCK CO., ALA.

Plaintiffs.)

vs.)

CASE NO. CV-06 91

PACIFICARE LIFE AND HEALTH)
INSURANCE COMPANY, et al.,)
Defendants.)

CIVIL SUMMONS

NOTICE TO: Willie Clyde Tillis
306 Mullins Street
Opp, Alabama 36467

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to the Plaintiff's Attorney:

L. Cooper Rutland, Jr.
Rutland & Braswell, L.L.C.
Post Office Box 551
Union Springs, Alabama 36089
334-738-4770

The Answer must be mailed or delivered within 30 days after this Summons and Complaint were delivered to you or a Judgment by Default may be entered against you for the money or other things demanded in this Complaint. You must also file the original of your Answer with the Clerk of this Court.

THE SERVICE BY CERTIFIED MAIL OF THIS SUMMONS IS INITIATED UPON THE WRITTEN REQUEST OF L. COOPER RUTLAND, JR. PURSUANT TO RULE 4.1(c) OF THE ALABAMA RULES OF CIVIL PROCEDURE.

9/21/06
Date

Wilbert M. Gervigan by RMF
Circuit Clerk

SERVICE BY CERTIFIED MAIL IS HEREBY REQUESTED.

9-20-06
Date

L. Cooper Rutland, Jr.
L. Cooper Rutland, Jr.

CIVIL ACTION NO. CV 2001-_____

RETURN OF SERVICE:

CERTIFIED MAIL RETURN RECEIPT RECEIVED IN THIS OFFICE ON (DATE)_____.
(Return receipt hereto attached).

EXHIBIT “C”

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

**ROMIE HARRIS, JR., AMY HARRIS,
RUBY FRANCIS FOWLER, MARY
LOIS GREEN, JAMES THOMAS,
LULA THOMAS and JANIE
BUFORD,
Plaintiffs**

v.

CIVIL ACTION NO. _____

PACIFICARE LIFE AND HEALTH INSURANCE COMPANY, ROBERT D. BELL, ELIZABETH R. CLARK, WILLIE C. TILLIS, and Fictitious Defendants A through Z, those corporations, partnerships, LLC's, individuals or other entities who conduct contributed to the damages claimed herein whose names are not yet known to Plaintiffs but will be substituted by amendment when ascertained.

Defendants

NOTICE OF CONSENT TO REMOVAL BY DEFENDANT WILLIE C. TILLIS

COMES NOW Defendant Willie C. Tillis, and reserving all rights to respond to this lawsuit, consents to the removal of this action from the Circuit Court of Bullock County, Alabama, to the United States District Court for the Middle District of Alabama.

Dated this 20 day of October, 2006.

Respectfully submitted,

WILLIE C. TILLIS

Willie C. Tillis